

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SMART VENT PRODUCTS, INC.,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO.:
	:	1:13-cv-05691-JHR-KMW
	:	
v.	:	
	:	
CRAWL SPACE DOOR	:	
SYSTEM INC., d/b/a CRAWL	:	
SPACE DOOR SYSTEMS, INC.	:	
	:	ELECTRONICALLY FILED
Defendant.	:	

DECLARATION OF BRIAN SHAW

I, Brian Shaw, CFM, being of full age, declare the following:

1. I am the Director of Sales and Marketing at Smart Vent Products, Inc. (“Smart Vent”), the plaintiff in this action. I am over eighteen years of age and am competent to testify to the matters set forth in this declaration. The following statements set forth in this declaration are based upon my personal knowledge.

2. I submit this Declaration in support of Plaintiff’s Memorandum Of Law In Support of its Opposition to Defendant’s Motion for Sanctions under Rule 37(B) or the Court’s Inherent Authority (ECF 286) and in support of its Opposition to Defendant’s Motion to Conform the Pleadings to the Evidence Presented at Trial (ECF 285) and in Support of its Cross-Motion to Admit Evidence and for a Curative Jury Instruction.

3. On Monday, October 14, 2019, Tom Little handed me a document which was an email between Michael Graham and Tom Merrill dated March 3, 2014. It had the label SV-0020365 and D155-1 at the bottom of it.

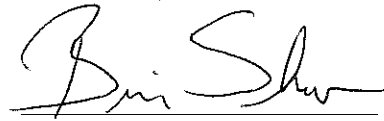
4. After reviewing the context of this email, I began a review of the server for Smart Vent.

5. I ultimately located a file labeled “ICC”. In that file was a subfolder labeled “AC 364 Revisions 2013”. In that folder were videos and photographs of the Smart Vent flood vent, a Flood Solutions’ flood vent, a Crawl Space Doors’ flood vent and another air vent all being utilized in Smart Vent’s test tank.

6. Based upon my review of the March 3, 2014 email between Mr. Merrill and Mr. Graham, labeled D155-1 and SV 0020365, as well as the additional information I have found, it is my understanding, that the two videos referenced in that email were among the three videos located in the folder titled “AC 364 Revisions 2013”.

I certify under penalty of perjury that the foregoing statements made by me are true to the best of my knowledge, information, and/or belief.

Dated: October 18, 2019

A handwritten signature in black ink, appearing to read "Brian Shaw", written over a horizontal line.

Brian Shaw, CFM
Director of Sales and Marketing